

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRANBURY BRICK YARD, LLC, Plaintiff, v. UNITED STATES OF AMERICA, THE UNITED STATES DEPARTMENT OF THE NAVY, and THE UNITED STATES DEPARTMENT OF THE ARMY, Defendants.	Civil Action No.: 15-2789 (BRM) (LHG) MOTION DATE: FEBRUARY 20, 2018 [PROPOSED] ORDER Document Electronically Filed
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THIS MATTER having been opened to the Court by Plaintiff Cranbury Brick Yard, LLC (“CBY”) and Defendants United States of America, the United States Department of the Navy, and the United States Department of the Army (collectively “Defendants”) by way of Notice of Joint Motion to Seal all or portions of Defendants’ Moving Brief, Statement of Material Facts, and Exhibits 4, 5, 8, 17, 18, 31, 33, 34, 36, 37 thereto, Opposition Brief, Corrected Opposition Brief, Supplemental Statement of Material Facts, Supplemental Exhibit 19, Reply Brief, and Rebuttal Statement of Material Facts, and CBY’s Moving Brief, Statement of Material Facts, Exhibits 18, 105, 112, 113, 114, 134, 135, 142 thereto, Opposition Brief, Supplemental Statement of Material Facts, Supplemental Exhibit 1, and Rebuttal Statement of Material Facts, pursuant to L. Civ. R. 5.3 and 7.1 (the “Joint Motion”), and the Court having reviewed the papers in support thereof, the Court makes the following findings of fact and conclusions of law.

Findings of Fact

1. CBY’s Exhibits 105, 112, 113, 114, and 142, Supplemental Exhibit 1, Defendants’ Exhibit 33, and all references thereto in the parties’ related filings as set forth in the

Rule 5.3(c)(3) Appendix U Index to the parties' Joint Motion, contain information that constitutes competitively sensitive marketing, financial, sales, and other confidential business information regarding Plaintiff's business operations, the disclosure of which could impair Plaintiff's business operations and ability to negotiate competitive agreements in the future. These Exhibits contain material subject to the Confidentiality Order entered in this action. This material was properly designated by CBY as "Confidential-Subject to Discovery Confidentiality Order" at the time of its production, and contains CBY's confidential and proprietary business information.

2. CBY's Exhibits 18, 134, and 135, Defendants' Exhibits 17 and 18, and all references thereto in the parties' related filings as set forth in the Rule 5.3(c)(3) Appendix U Index to the parties' Joint Motion, consist of materials containing confidential settlement communications and materials pertaining to non-parties to this litigation, entered into in connection with the *Maxxam Group, Inc. v. United States* litigation, Case No. 2: 05-cv-01834-DMC-MF (D.N.J. 2008). These Exhibits contain material subject to the Confidentiality Order entered in this action. This material was properly designated by CBY as "Confidential-Subject to Discovery Confidentiality Order" at the time of its production, and contains third parties' confidential and proprietary information.

3. Defendants' Exhibits 4, 5, 8, 31, 34, 36, 37, Supplemental Exhibit 19, and all references thereto in Defendants' related filings as set forth in the Rule 5.3(c)(3) Appendix U Index to the parties' Joint Motion, contain information that constitutes competitively sensitive marketing, financial, sales, and other confidential business information regarding Plaintiff's business operations, the disclosure of which could impair Plaintiff's business operations and ability to negotiate competitive agreements in the future. These Exhibits contain material subject

to the Confidentiality Order entered in this action. This material was properly designated by CBY as “Confidential-Subject to Discovery Confidentiality Order” at the time of its production, and contains CBY’s confidential and proprietary business information.

4. The parties’ joint request is reasonable and proportional, as it seeks to seal only a limited amount of information.

5. There is no less restrictive alternative to the relief sought because the parties seek to seal only documents and portions of documents that would reveal proprietary and confidential information and/or confidential information of third-parties.

6. There is no party or nonparty that objects to the parties’ joint sealing request.

Conclusions of Law

1. The parties have demonstrated that good cause exists to grant their Motion to Seal.

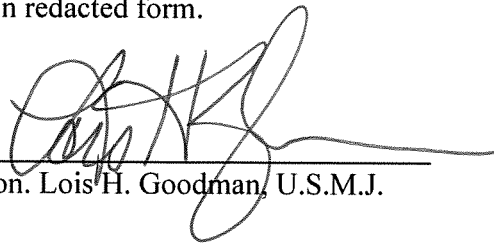
2. The parties have complied with the Requirements of L. Civ. R. 5.3(c).

In light of the above findings of fact and conclusions of law, and good cause having been shown, **IT IS** on this 10th day of July, 2018, **HEREBY ORDERED** that the parties’ Joint Motion to Seal is **GRANTED**; and it is further

ORDERED that Defendants’ Moving Brief (Dkt. 49-2), Statement of Material Facts (Dkt. 49-4), and Exhibits 4, 5, 8, 17, 18, 31, 33, 34, 36, 37 thereto, Opposition Brief (Dkt. 56), Corrected Opposition Brief (Dkt. 60), Supplemental Statement of Material Facts (Dkt. 54-2), Supplemental Exhibit 19, Reply Brief (Dkt. 61), and Rebuttal Statement of Material Facts (Dkt. 54-2), and CBY’s Moving Brief (Dkt. 51-2), Statement of Material Facts (Dkt. 51-3), Exhibits 18, 105, 112, 113, 114, 134, 135, 142 thereto, Opposition Brief (Dkt. 54), Supplemental

Statement of Material Facts (Dkt. 54-2), Supplemental Exhibit 1, and Rebuttal Statement of Material Facts (Dkt. 54-1), will be filed on the docket in redacted form.

Dated: July 10, 2018



Hon. Lois H. Goodman, U.S.M.J.